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STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
(Erroneously sued as "State Farm Mutual Insurance Company")

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NANCY CLEWETT,
Plaintiff,

v.

STATE FARM MUTUAL INSURANCE
COMPANY; and DOES 1 through 20, inclusive,
Defendants.

CASE NO.: C04 03311 JW
RELATED CASE: C-04-3022 JW

**STIPULATION AND ~~PROPOSED~~
ORDER TO PARTIALLY REVISE THE
COURT'S SCHEDULING ORDER**

****MODIFIED BY THE COURT****

On November 30, 2004, Judge Ware designated *Clewett v. State Farm*, Case No. C04 03311 JW and *Mezzetti v. State Farm*, Case No. C04-3022 JW related. As such, they have identical Scheduling Orders. All parties, by and through their respective counsel, hereby stipulate to revise certain deadlines in the Court's Scheduling Orders as follows:

**I.
RECITALS**

1. The parties have been working diligently toward moving these related cases forward in an efficient, expeditious manner. The parties have participated in the Rule 26 conferences and exchanged the information and documents required by Rule 26. The parties have also exchanged written discovery.

2. The parties wish to litigate this matter in a cost effective manner and avoid unnecessary expert retention expenses and attorneys fees and costs. To that end, all of the parties in

1 both related matters have sought to avoid potentially unnecessary discovery and expert retention
 2 pending exploration of settlement potential at the Early Neutral Evaluation conference to which the
 3 parties stipulated as their ADR option.

4 3. The Court has appointed George C. Fisher of Richey, Fisher, Whitman & Klein as
 5 the ENE Evaluator for both matters. On July 12, 2005, the parties participated in the pre-ENE
 6 conference call with Mr. Fisher and due to trial calendars, vacation schedules and other conflicts of
 7 the four attorneys who must attend, the earliest available date for the ENE conference is September
 8 15, 2005. Thus, the parties have scheduled the ENE conference for that date subject to Court
 9 approval of this stipulation.

10 4. The parties also recognize that the Court's determination of a dispositive motion
 11 could either terminate this case or significantly narrow the issues relevant for trial and discovery.

12 5. For these reasons, the parties have agreed to stipulate to certain revisions to the
 13 Court's Scheduling Order to avoid incurring the expense of expert disclosure and other discovery
 14 that may not be necessary before either the completion of the ENE conference or the resolution of a
 15 dispositive motion.

16 6. The parties do not seek to continue any deadlines other than those deadlines
 17 necessary to accommodate the cost effective preparation of this matter for trial. The parties do not
 18 seek to delay the trial date, the preliminary pretrial conference or the final pretrial conference or
 19 deadlines thereto.

20 Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

21 II. 22 STIPULATION

23 The parties hereby stipulate to the following revisions to the court's Scheduling Order:

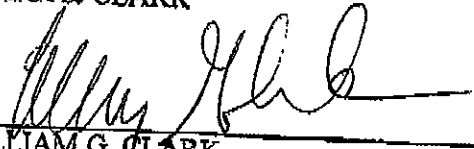
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|----|---|---|
| 24 | 1. Deadline for Conducting the ENE Conference: | September 30, 2005
(currently August 19, 2005); |
| 25 | 2. Deadline for Hearing Pretrial Dispositive Motions: | November ⁷ 8 , 2005
(currently October 3, 2005); |
| 26 | 3. Disclosure of Expert Witnesses: | November 15, 2005
(currently July 26, 2005); |
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- 4. Rebuttal Expert Disclosure: November 30, 2005
(currently August 5, 2005);
- 5. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: December 12, 2005, 9:00am
(currently September 19, 2005);
- 6. Close of Discovery, including experts: December 30, 2005
(currently August 30, 2005);
- 7. Deadline to file preliminary pretrial and trial conference statement: January 30, 2005
(currently November 21, 2005);
- 8. Preliminary Pretrial Conference: February ~~30~~²⁷, 2006
(currently December 5, 2005).


9. The nature and extent of the disclosures, motions, other submissions to the court and any other substantive requirements associated with each of the deadlines set forth above remains unchanged from the Court's original November 30, 2004 Scheduling Order.

Dated: 7/13, 2005

CLARK & CLARK

WILLIAM G. CLARK
JOHN C. CLARK
Attorneys for Plaintiff
NANCY CLEWETT

Dated: 7/13, 2005

HAYES, DAVIS, ELLINGSON, McLAY & SCOTT

By 
STEPHEN M. HAYES
STEPHEN P. ELLINGSON
Attorneys for Defendant
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

**III.
ORDER**

Pursuant to the parties' stipulation, the Court's November 30, 2004 Scheduling Order is hereby revised as follows:

1. Deadline for Conducting ENE Conference: September 30, 2005
2. Deadline for Hearing Pretrial Dispositive Motions: November ~~30~~^{7th} 2005 @ 9am
3. Disclosure of Expert Witnesses: November 15, 2005
3. Rebuttal Expert Disclosure: November 30, 2005
4. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: December 12, 2005, 9:00am
5. Close of Discovery, including experts: December 30, 2005
6. Deadline to file preliminary pretrial and trial setting conference statement: January 30, 2006
7. Preliminary Pretrial Conference: February ~~28~~²⁷, 2006 @ 11am

IT IS SO ORDERED:

Dated: July 14, 2005

/s/ James Ware

HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE